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In re Application of
BEIGHTON

Application No.: 10/031,327

PCT No.: PCT/GB00/01892

Int. Filing Date: 17 May 2000

Priority Date: 21 May 1999

Attorney's Docket No.: 1085-039-PWH

For: IMPROVEMENTS IN OR RELATING TO
BUILDING STRUCTURES

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This notification is in response to applicant's "Statement Concerning Service Interruptions Relating to Express Mail Service" filed 22 January 2002 requesting a receipt date of 21 November 2001.

BACKGROUND

On 17 May 2000, applicants filed international application PCT/GB00/01892, which claimed a priority date of 21 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 30 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 06 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 November 2001.

On 22 January 2002, applicants submitted a transmittal letter for entry into the U.S. national stage (Form PTO-1390), which was accompanied by, *inter alia*, the U.S. Basic National Fee; an unsigned declaration; an Information Disclosure Statement and a First Preliminary Amendment. This submission was assigned Application Number 10/031,327. On 22 January 2002, applicants also submitted the instant "Statement Concerning Service Interruptions Relating to Express Mail Service" requesting that the above-identified papers be accorded a receipt date of 21 November 2001.

DISCUSSION

In the "Statement Concerning Service Interruptions Relating to Express Mail Service" accompanying the application papers submitted 22 January 2002, applicant requests that the application papers submitted be accorded a receipt date of 21 November 2001 because these papers were attempted to be deposited with the United States Postal Service (USPS) by Express Mail on 21 November 2001 but deposit was refused by the USPS.

On 20 November 2001, the United States Patent and Trademark Office (USPTO) designated the suspension of Express Mail service to Washington, D.C. ZIP Codes 202XX through 205XX (e.g., 20231) as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e).

37 CFR 1.6(e) provides:

If interruptions or emergencies in the United States Postal Service which have been so designated by the Commissioner occur, the Patent and Trademark Office will consider as filed on a particular date in the Office any correspondence which is:

- (1) Promptly filed after the ending of the designated interruption or emergency; and
- (2) Accompanied by a statement indicating that such correspondence would have been filed on that particular date if it were not for the designated interruption or emergency in the United States Postal Service.

Applicant has established that the USPS refused to deliver the Express Mail package identified above to Washington, D.C. 20231 because of suspension of Express Mail service to that ZIP code (statement of Patrick W. Hughey). Thus, it has been established that applicants were subject to a designated postal service interruption and emergency on 21 November 2001. Applicant does indicate that the above-identified application would have been filed on 21 November 2001 if not for the designated interruption of emergency in the United States Postal Service (statement of Patrick W. Hughey). Also, the above-identified application was filed promptly after the ending of the designated interruption or emergency as indicated by the 21 November 2001 stamp on the provided first class mail envelope. Accordingly, the request that the application be accorded a filing date of 21 November 2001 is granted. Applicant is still required to file an executed oath or declaration of the inventor and provide payment of the \$65.00 surcharge for filing an oath or declaration of the inventor later than thirty months from the earliest claimed priority date.

CONCLUSION

For the reasons set forth above, the application has been accorded a filing date of 21 November 2001 in accordance with 37 CFR 1.6(e).

This application is being returned to the DO/EO/US for processing in accordance with this decision, including, 1) according the papers a receipt date of 21 November 2001 and 2) the preparation and mailing of a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905).



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